

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed on September 26, 2003. Claims 1-37 are rejected. Claims 1, 3-7, 17, 19, 20, 25, 27, 28, 31, and 33 have been amended. Claims 2, 18, 26, and 32 have been canceled. Claims 1, 3-17, 19-25, 27-31, and 33-37 are pending.

#### **Claims Rejection Under 35 USC § 102(b)**

The Examiner has rejected claims 1, 9, 10, 17, 22, 23, 31 and 36 under 35 U.S.C. § 102(b) as being anticipated by Shipley (U.S. Patent No. 5,634,114).

Shipley discusses a system of version negotiation between a dynamic link library (DLL) and an executable application. (column 3, lines 10-12) A table within the DLL has entries for the DLL versions supported by the DLL. (column 3, lines 32-38) Further, the application program has a list of DLL versions with which the application program is compatible. (column 3, lines 47-51) These two tables are compared to verify that the application program can execute a particular DLL version. (column 3, lines 16-26)

Claim 1 is amended to include the claim language of claim 2: "configuring a database having a plurality of application programs, wherein each one of the plurality of application programs corresponds to at least one designated software code, wherein the plurality of application programs includes the selected application program, and wherein the corresponding at least one designated software code is not the software code used by the selected application program". Claims 9 and 10 depend from claim 1 and include this claim language.

Claim 17 is amended to include the claim language of claim 18: "configuring a database having a plurality of application programs, wherein each one of the plurality of application programs corresponds to at least one designated software code, wherein the plurality of application programs includes the selected application program, and wherein the corresponding at least one designated

software code is not the software code used by the selected application program”. Claims 22 and 23 depend from claim 17 and includes this claim language.

Claim 31 is included to include the claim language of claim 32: “configuring a database having a plurality of application programs, wherein each one of the plurality of application programs corresponds to at least one designated software code, wherein the plurality of application programs includes the selected application program, and wherein the corresponding at least one designated software code is not the software code used by the selected application program”. Claim 36 depends from claim 31 and includes this claim language.

In contrast with claims 1, 17, and 31, Shipley discusses two separate tables, one table found in the dynamic link library, and another table found in the executable loading the dynamic link library. Shipley fails to anticipate a database as claimed in 1, 17, and 31; thus Shipley must always consult two separate tables found in the dynamic link library and the executable loading the dynamic link library to verify version compatibility. The approach of Shipley means that a computer or administrator cannot go to a database to monitor whether particular software code will conflict with a particular application program. Instead, Shipley must consult both the dynamic link library itself and the application program itself every time the dynamic link library version is checked. If there are 20 applications programs each executing multiple dynamic link library files, then all 20 application program and every dynamic link library file executed by all 20 application programs must include this information, and must be checked every time any application program executes any dynamic link library. Claims 1, 17, and 31, by contrast, provide a database with information about multiple application programs and multiple software codes which correspond to the application programs.

For at least the above reasons, withdrawal of the rejection of claims 1, 9, 10, 17, 22, 23, 31 and 36 under 35 U.S.C. § 102(b) is respectfully requested.

**Claims Rejection Under 35 USC § 103(a)**

The Examiner has rejected claims 2, 3, 7, 8, 11, 12, 13, 14, 16, 18, 20, 21, 24, 32, 34, 35, and 37 under 35 U.S.C. § 103(a) as being unpatentable over Shipley (U.S. Patent No. 5,634,114) in view of Sakata (U.S. Patent No. 6,377,977).

Claim 1 is amended to include the claim language of claim 2: "configuring a database having a plurality of application programs, wherein each one of the plurality of application programs corresponds to at least one designated software code, wherein the plurality of application programs includes the selected application program, and wherein the corresponding at least one designated software code is not the software code used by the selected application program". Claim 2 is canceled. Claims 3, 7, 8, 11-14, and 16 depend from claim 1 and include this claim language.

Claim 17 is amended to include the claim language of claim 18: "configuring a database having a plurality of application programs, wherein each one of the plurality of application programs corresponds to at least one designated software code, wherein the plurality of application programs includes the selected application program, and wherein the corresponding at least one designated software code is not the software code used by the selected application program". Claim 18 is canceled. Claims 20, 21, and 24 depend from claim 17 and include this claim language.

Claim 31 is included to include the claim language of claim 32: "configuring a database having a plurality of application programs, wherein each one of the plurality of application programs corresponds to at least one designated software code, wherein the plurality of application programs includes the selected application program, and wherein the corresponding at least one designated

software code is not the software code used by the selected application program". Claim 32 is canceled. Claims 34, 35, and 37 depend from claim 31 and include this claim language.

As discussed above, Shipley fails to make obvious claims 1, 17, and 31.

In contrast with claims 1, 17, and 31, Sakata discusses a management table in Figure 2 that has entries with application name, file name, and version number. Sakata also discusses a management table in Figure 10 that has entries with application name, file name, and version number, source host name, and flag.

None of the entry fields of the management table in Sakata shows that an application program corresponds to designated software code, as claimed in claims 1, 17, and 31. Examples of designated software code can be a dynamic link library loaded into computer memory under direction of a computer program, executable instructions, a set of software subroutines, etc. (see page 5, lines 10-13). By contrast, the entry fields of the management table in Sakata are quite different. The application name is the name of an application program. The file name is the name of the application program file. The version number is the version number of the application program. The source host name is the name of a network node that transfers the application program. (column 4, lines 42-47) The flag field has a "0" or "1" indicating whether the application program is installed. (column 6, lines 40-49).

Thus, all the entry fields of the management table in Sakata are related to a single file – the application program. None of the entry fields of the management table in Sakata show any correspondence between an application program and software code – two separate pieces of software.

For at least the above reasons, withdrawal of the rejection of claims 2, 3, 7, 8, 11, 12, 13, 14, 16, 18, 20, 21, 24, 32, 34, 35, and 37 under 35 U.S.C. § 103(a) is respectfully requested.

**Claims Rejection Under 35 USC § 103(a)**

The Examiner has rejected claims 4, 19, and 33 under 35 U.S.C. § 103(a) as being unpatentable over Shipley (U.S. Patent No. 5,634,114) in view of Sakata (U.S. Patent No. 6,377,977) and Rupp (U.S. Patent No. 6,377,977).

As discussed above, Shipley and Sakata fail to make obvious claims 1, 17, and 31, from which claims 4, 19, and 33 depend. Rupp is directed to a compiler-linker and fails to make obvious claims 1, 17, and 31.

For at least the above reasons, withdrawal of the rejection of claims 4, 19, and 33 under 35 U.S.C. § 103(a) is respectfully requested.

**Claims Rejection Under 35 USC § 103(a)**

The Examiner has rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Shipley (U.S. Patent No. 5,634,114) in view of Sakata (U.S. Patent No. 6,377,977) and Larson (U.S. Patent No. 6,226,747).

As discussed above, Shipley and Sakata fail to make obvious claim 1 from which claim 5 depends. Larson is directed to limiting a number of program installations and fails to make obvious claim 1.

For at least the above reasons, withdrawal of the rejection of claim 5 under 35 U.S.C. § 103(a) is respectfully requested.

**Claims Rejection Under 35 USC § 103(a)**

The Examiner has rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Shipley (U.S. Patent No. 5,634,114) in view of Sakata (U.S. Patent No. 6,377,977) and Strellis (U.S. Patent No. 6,304,882).

As discussed above, Shipley and Sakata fail to make obvious claim 1 from which claim 6 depends. Strellis is directed to a data replication processing system and fails to make obvious claim 1.

For at least the above reasons, withdrawal of the rejection of claim 6 under 35 U.S.C. § 103(a) is respectfully requested.

**Claims Rejection Under 35 USC § 103(a)**

The Examiner has rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Shipley (U.S. Patent No. 5,634,114).

As discussed above, Shipley fails to make obvious claim 1 from which claim 15 depends.

For at least the above reasons, withdrawal of the rejection of claim 15 under 35 U.S.C. § 103(a) is respectfully requested.

**Claims Rejection Under 35 USC § 103(a)**

The Examiner has rejected claims 25 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Shipley (U.S. Patent No. 5,634,114) in view of Yinger (U.S. Patent No. 5,960,204).

Claim 25 is amended to include the claim language of claim 26: "configuring a database having a plurality of application programs, wherein each one of the plurality of application programs corresponds to at least one designated software code, wherein the plurality of application programs includes the selected application program, and wherein the corresponding at least one designated software code is not the software code used by the selected application program". Claim 26 is canceled. Claim 28 depends from claim 25 and includes this claim language.

As discussed above, Shipley discusses two separate tables and fails to make obvious the claimed database.

Yinger discusses an installation application. In contrast, claim 25 claims in part: "detecting the use of the software code" By contrast with claim 25, Yinger discusses a system that installs the most recent version of a DLL file only upon installation, and discusses nothing about post-installation use of the software, and configuring a database which corresponds application programs with software code upon post-installation uses of the application programs and the software code.

For at least the above reasons, withdrawal of the rejection of claims 25 and 28 under 35 U.S.C. § 103(a) is respectfully requested.

#### **Claims Rejection Under 35 USC § 103(a)**

The Examiner has rejected claim 26, 29, and 30 under 35 U.S.C. § 103(a) as being unpatentable over Shipley (U.S. Patent No. 5,634,114) in view of Yinger (U.S. Patent No. 5,960,204) and Sakata (U.S. Patent No. 6,377,977).

As discussed above, Shipley and Yinger fails to make obvious claim 25 from which claims 26, 29, and 30 depend. Sakata discusses management tables with no entries for showing any

correspondence between an application program and software code, and fails to make obvious claim 25.

For at least the above reasons, withdrawal of the rejection of claims 26, 29, and 30 under 35 U.S.C. § 103(a) is respectfully requested.

**Claims Rejection Under 35 USC § 103(a)**

The Examiner has rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Shipley (U.S. Patent No. 5,634,114) in view of Yinger (U.S. Patent No. 5,960,204), Sakata (U.S. Patent No. 6,377,977), and Rupp (U.S. Patent No. 5,339,431).

As discussed above, Shipley, Yinger, and Sakata fail to make obvious claim 25 from which claim 27 depends. Rupp is directed to a compiler-linker and fails to make obvious claim 25.

For at least the above reasons, withdrawal of the rejection of claim 27 under 35 U.S.C. § 103(a) is respectfully requested.

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Amdt. dated January 14, 2004  
Reply to Office action of August 27, 2003

**CONCLUSION**

It is submitted that the present application is in form for allowance, and such action is respectfully requested. Should the Examiner have any questions, please contact the undersigned attorney.

The Commissioner is authorized to charge any additional fees that may be required, including petition fees and extension of time fees, to Deposit Account No. 23-2415 (Docket No. 28903-709).

Respectfully submitted,

Date: \_\_\_\_\_

1/14/04

By: \_\_\_\_\_



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